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FIRST AFRICAN REGIONAL CONFERENCE OF THE INTERNATIONAL LABOR ORGANIZATION

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PREFACE

In this dynamic age of proliferating national states and intense international competition, world politics exerts a continuous pressure upon governmental and non-governmental international organizations. Such pressure can at times impede the functioning of these groups. Moreover, some groups are manifestly less influenced than others by that political pressure. Often the exact nature of the pressures exerted is difficult to identify as expressed in the official records of international organizations; at time, it is open and obvious. The excellent documentation afforded by the various bodies of the International Labor Organization provides a means of tracing the influence of world politics on a non-governmental international organization. The resulting picture shows a sound and useful organ of the international community.

To Professor James T. Watkins IV, I acknowledge a debt of gratitude for his advice and assistance. Professor Christian P. Harris gave me an appreciation of the modern Islamic culture which prevails in much of Northern Africa, which I found essential for an understanding of the forces at work in pan-African movements. In Professor William O. Jones of the Food Research Institute I wish to acknowledge an invaluable guide to the meaningful literature dealing with modern African economic affairs. To Visiting Associate Professor Raymond O'Connor of the History Department I owe an appreciation of the techniques involved in

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CHAPTER I

INTRODUCTION

The International Labor Organization (ILO) was originally conceived as a countermeasure to the unrest which was evidenced among the working classes during World War I. It was embodied in the peace treaties executed at Paris.[1] In actual fact, although connected with the League of Nations, it became a functioning organization well before the League ever got underway. The immediate result of this timing was a measure of independence from that body not only in theory, but also in fact with a subsequent measure of immunity from the series of debilitating diseases which racked and finally ruined the League.[2]

The avowed purpose of the ILO was to promote peace through social justice.[3] Its mandate was general, its structure was derived, its possibilities were expansive, and its modus operandi was flexible. The early effective start made it possible to ride out the euphoria of the immediate postwar period. The strength of its first Director-General, Albert Thomas, allowed him to mold the organization and to

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[1] J. T. Shotwell (ed.), The Origins of the International Labour Organization (New York: Columbia University Press, 1934), I, 3rd.

[2] L. L. Lorwin, The International Labor Movement (New York: Harper & Brothers, 1953), p. 50.

[3] Bernard Begin, "I.L.O. and the Tripartite System," International Conciliation, No. 523 (May 1959), p. 401.

set it forward with such force that his influence and the direction of his impetus are evident within the organization even today.[4]

Prior to World War II, the organization was involved in consolidating gains made in the standardization of basic labor reforms. By the conclusion of World War II, such reforms or standards were no longer novel; in fact, even where rejected, the justifications advanced in defense of such rejections helped set standards in social legislation. As a result, the postwar aims of the ILO were reasserted in the Declaration of Philadelphia in a different frame of reference.[5]

This Declaration emanated from the Twenty-sixth Session of the International Labor Conference held in Philadelphia from 20 April to 12 May 1944. The Conference asserted that social justice meant that all human beings, irrespective of their race, creed or sex, had a right to pursue material and spiritual well-being in conditions of freedom and dignity, of economic security and equal opportunity. The attainment of these conditions, it continued, must form the central aim of national and international policy and the success of such policies must be measured by the extent to which they assist in the attainment of this goal.[6]

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[4]E. J. Phelan, Yes and Albert Thomas (London: The Cresset Press Ltd., 1936), p. 110.

[5]David A. Morse, "The International Labor Organization in a Changing World," The Annals of the American Academy of Political and Social Sciences, Vol. 310 (March 1957), p. 33.

[6]International Labour Office, Official Bulletin, XXVI, No. 1 (June 1, 1944).

The Constitution of the ILO, framed in 1919, set out as goals the universal recognition of three principles: (1) that labor is not a commodity, (2) that freedom of association and expression are essential to progress, and (3) that poverty anywhere constitutes a danger to prosperity everywhere. The Declaration of Philadelphia marks a further advance by breaking down an artificial barrier which had arisen within the organization between social and economic problems. It extended the responsibilities of the ILO by approaching the combined social and economic problems involved in the attainment of universal social justice.

The program which the Conference envisaged covered a wide range of matters of general concern as follows:

1. Promotion of full employment.
2. Elevation of the standard of living.
3. Insurance of the stability of labor.
4. Advocacy of policies insuring the equitable distribution of the fruits of progress
   (a) Recognition of the right of collective bargaining.
   (b) Encouragement of cooperation between labor and management to attain productive efficiency.
   (c) Extension of social security measures.
5. Promotion of equality of educational and vocational opportunity.[7]

This was a marked departure from the previous research and standard setting activities to which the organization had confined itself. However, it was an extension of the basic goals originally stated in

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[7]International Labour Organization, "Twenty-sixth Session of the International Labour Conference," International Labour Review, L, No. 1 (July 1944), pp. 1-39.

the Constitution of 1919. The Declaration of Philadelphia was incorporated into the revised Constitution by the Instrument of Amendment of 1946.

In fourteen years time this re-orientation was to take such firm root that the New York Times was able to editorialize in 1960 that the ILO was in a position to make an outstanding contribution to African development. This unique position, as the Times pointed out, came from the ILO's experience in giving technical assistance to underdeveloped countries, from its preparation of solid groundwork for expansion and from the fact that it had no political axes to grind.[8] In the light of the Declaration of Philadelphia, the activities of the ILO in Africa thus take on a particular significance. They provide an indication of the organization's success by its own standard of measurement; that is, have those activities helped the area move towards the goal of universal social justice?

If it is true, as the editorial states, that the ILO has no political axes to grind, is it not also true that such an international organization must be affected somewhat by world politics when it operates in this area, which was so hyper-active politically in the decade of the fifties? What is there about the ILO that permits it to rise above political activity to engage basic social issues on a professional or technical level? How much truth is there in J. L. Brierly's assertion that the ILO system of tripartite representation

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[8] New York Times, December 10, 1960, p. 22.

"is a significant recognition of the fact which has long been apparent in every international sphere except the political that the interests of international concern do not necessarily follow, but often cross the boundary lines of territorial states?"[9] Or is it more accurate to assert with Bernard Begin that "whether or not tripartitism has a contribution to make in enabling the organization to work effectively on its future tasks, and whether new interpretations can be given to this form of collaboration are the questions that face the I.L.O. as it enters its fifth decade?"[10]

The editorial lauded sound preparation as one of the hallmarks of the organization. Yet how is such preparation compatible with or possible in dealings with a continent noted for being in a hurry? What is the import of the successful approach by this organization of the principle of regional organizations for the solution of international problems other than problems of security?

A study of the preparation for an execution of the First African Regional Conference of the International Labor Organization sheds light upon all these questions. For, in such a study, the operation of a specialized international agency within the framework of world politics is clearly demonstrated with all its capabilities and limitations. The operation of this proven system in a new framework

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[9] J. L. Brierly, The Law of Nations (6th ed.; New York: Oxford University Press, 1963), p. 123.

[10] Begin, op. cit., p. 448.

is vindicated in that it illustrates both adaptability to new challenges and preservation of sound methods.

Thus it is held that through its unique structure and organizational development, the ILO is able to resist arbitrary seasonal developments and is able to adjust to permanent substantive trends in international politics. Such adaptability is evidenced by the planning and execution of the First African Regional Conference of the International Labor Organization.

CHAPTER II

THE INTERNATIONAL LABOR ORGANIZATION

The "Constitution" of the International Labor Organization resulted from the new power demands of World War I which brought together the movements to ameliorate the condition of workers through joint action among governments and the organized trade union movements.

Background

Nicholas Murry Butler, in the preface to Shotwell's The Origins of the International Labor Organization, observed that the peace treaties following World War I were essentially a register of events which had already taken place and a program for a far-reaching reform in the relations of nations with each other.[1] Yet this was not a precise observation particularly in relation to Article XXIII of the Covenant of the League of Nations which appears as Part I of the peace treaties. This article of the Covenant provides not only a program, but also machinery to carry out that program on a continuing basis. The program envisaged was to accomplish far reaching reforms in the relations of people with each other in a form which transcended national boundaries. The machinery elaborated in Part XIII of the peace

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[1] James T. Shotwell, The Origins of the International Labour Organization, preface.

treaties (Part XII of the Treaty of Neuilly-sur-Seine) was the International Labor Organization.

During the Peace Conference, the Governments of Europe were nervous in the face of a rising industrial unrest. There had been manifestations of labor unrest throughout the war. Germany was faced with threats of revolution and the Bolshevist threat was felt or feared throughout the continent. As a result, the Allied Governments felt constrained to offer labor some definite and formal recognition at the very opening of the conference both "to justify themselves with reference to the war in the Past" and "to hold forth the hope of a larger measure of international labor agreements in the future."[2]

A special Commission on International Labor Legislation was established as part of the Conference organization with a mandate to enquire into the conditions of employment from an international aspect, to consider means of securing common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to discuss these matters continuously in cooperation with and under the direction of the League of Nations.[3]

The United States representatives to the Commission were Mr. Samuel Gompers, President of the American Federation of Labour, Hon.

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[2]J. T. Shotwell, "The International Labour Organization as an Alternative to Revolution," The Annals of the American Academy of Political and Social Science, Vol. 166 (March 1933), p. 34.

[3]International Labour Office, The International Labour Organization (London: George Allen & Unwin Ltd., 1931), p. 26.

A. N. Hurley, President of the American Shipping Board, Hon. H. M. Robinson (substitute) and Dr. J. T. Shotwell, Professor at Columbia University (substitute). The election of Gompers as president of the Commission came as a distinct shock to the British who were under the assumption that the senior United States representative would be a member of the government.[4] However, the presence and role of Gompers highlighted two distinctive features of the new organization. The first feature is the recognition of non-official representatives in an official international body preparing draft international conventions. Gompers opposed the plan for the proposed labor conference giving two votes to government representatives, one vote to the employer delegate and one vote to the worker delegate from each nation.

Gompers objected that the government delegates could join with the employer delegate to out-vote the labor delegate. This was, in Gompers' view, ". . . improper, indefensible and indefensible." He felt that under such circumstances it was only by courtesy that a conference can be called a labor conference.[5] The American objections in this respect were voted down since it was clear that some device was necessary to limit the powers of the unofficial representatives without endangering in any way the reality of their work.

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[4]G. N. Barnes, Harold Butler, Samuel Gompers, and J. T. Shotwell have all written personal accounts of the events occurring at Paris.

[5]Samuel Gompers, "The Labor Clauses of the Treaty," What Really Happened at Paris, E. M. House and Charles Seymour (eds.) (New York: Charles Scribners Sons, 1921), p. 324.

The second feature was the difficulty of non-official delegates participating in drafting international conventions on labor, compounded by the American Federal system which constitutionally left the Federal Government powerless to enforce such conventions on its constituent states. The result was an option clause in the treaty (Article 405) allowing a government to treat a draft convention as a recommendation only.

The British and French were in basic agreement. In fact, the basic structure of the organization was taken from the British draft.[6] The French had desired a more moderate pace in labor legislation and anticipated incorporating actual labor reforms in the treaty.[7] At the other extreme, the original British plan would have set up an international parliament with the power to make laws in the guise of treaties.[8] The French compromised their desires in favor of the British. But the American stand worked a substantial modification whereby the superparliament idea of legislation was abandoned for a system of recommendations and draft conventions.

The final report of the Commission was framed as a Draft Convention creating a permanent organization for the international regulation of labor questions. It formed the essential basis for Sections I

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[6] Peace Conference, Paris 1919, Report and Minutes of the Commission on International Labour Legislation (Roma: Tipografia Italia, 1921), p. 27.

[7] Shotwell, The Origins of the International Labor Organization, pp. 84-96.

[8] James T. Shotwell, "The International Labor Organization as an Alternative to Violent Revolution," The Annals of the American Academy of Political and Social Sciences, Vol. 166, p. 22.

and II of Part XIII of the Treaty of Versailles and was inserted in corresponding positions in other Peace Treaties concluded in 1919 and 1920. Harold Butler credits Emile Vandervelde with banishing any lingering doubts in the minds of the conference as to the urgency of establishing the ILO with a speech which concluded with the words:

> There are two methods of making the revolution which we feel is happening throughout the world, the Russian and the British method. It is the British method which has triumphed in the Labour Commission.[9]

Reflecting on the purpose of the ILO in the minds of its framers, Shotwell stated over a quarter of a century later that its name belies its purpose since the ILO represents all interests not merely those of labor. He would more accurately term it an International Organization for Social Justice.[10] This is a modification of his "alternative to revolution" thesis of 1933.[11]

In 1957, David A. Morse, Director-General of the International Labor Office, gave voice to another aspect of what was in the minds of the framers of the ILO Constitution when he said:

> Indeed, to put it bluntly, an implicit purpose of the early ILO was to prevent any country, and particularly the less industrialized countries, from entering into international trade on the basis of cheap labor standards.[12]

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[9]Harold Butler, Confident Morning (London: Faber and Faber Limited, 1950), p. 175.

[10]J. T. Shotwell, "I.L.O. and the Tripartite System," International Conciliation, op. cit., introduction.

[11]Cf. p. 8.

[12]David A. Morse, "The International Labour Organization in a Changing World," op. cit., p. 33.

How then is one to evaluate the opening clause of the preamble to the Convention setting up the ILO:

> Whereas the League of Nations has for its object the establishment of universal peace and such a peace can be established only if it is based upon social justice . . .?

Perhaps Samuel Gompers, a perennial cynic on the subject of politics gives the best indication when he says:

> With all the drawbacks that there were at Paris, with all the appetites that came there to be satisfied, with all the ambitions that grouped themselves about the Peace Conference, here still was an idealism and a determination that would not be denied. . . . The Paris Conference sought, as no other peace conference has sought, to reach into the mind of the people and write into definite terms the deepest and best thought to be found there. So it was that the interests of the world's toilers came to be considered.[13]

E. J. Phelan acknowledged the multiple motivation but stressed that the ILO owed its origin "mainly to the principle solemnly affirmed in the Peace Treaty that peace can be established only if it is based on social justice."[14] So it was that an organization born of many motivations came into existence dedicated to the ideal of social justice.

The general purpose of the organization as submitted to and accepted by the Peace Conference plenipotentiaries at Paris was to get results. The idea of the annual conference carried with it an implication of practicality, of doing first things first and of continuing year by year to press on to further achievements as public opinion was ripened and governments converted by its pressure.[15]

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[13]Samuel Gompers, op. cit., pp. 334-335.

[14]E. J. Phelan, Yen and Albert Thomas, p. 41.

[15]G. N. Barnes, History of the International Labour Office (London: Williams and Norgate Ltd., 1926), pp. 59-60.

It was largely due to Albert Thomas that the organization did not degenerate into an international debating society.[16] The concept of the International Labor Office was general enough to permit interpretation of its function in two ways. The first would have it a passive agent working as a reference service, which was no doubt the way it was envisaged, and as an administrative agent of the General Conference. The second would have it an active agent as the initiator of programs, a quasi-diplomatic arm of the conference, an inspection arm, a method of insuring forceful continuity between meetings operating under general mandate.

Albert Thomas chose the second way and succeeded not only by the force of his personality but also by the adoption of the device of submitting a Director-General's Report to all official and advisory gatherings of the organization. By this device, Thomas was able to set forward well documented and formulated proposals for action. His reports had an advantageous place on the agenda of the meetings and a wide distribution prior to the meetings, which added to their influence. In the administrative action of setting up a system of field offices and correspondents, he, in effect, established an international "diplomatic" service to represent the organization.

But yet another factor contributed to the strength of the organization. Membership was automatically conferred on the original members of the League of Nations and its subsequent members. Yet,

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[16] E. J. Phelan, op. cit., gives an account of Albert Thomas' years as Director-General.

membership in the ILO was not confined to those nations belonging to the League. This gave the organization an opportunity for universality which political considerations denied the League. It also provided a method of illustrating its status as an independent agency, acting in conjunction with the League, by the exercise of its authority to admit new members regardless of their membership in the League or the international community. When the ILO held its first meeting in Washington before the League of Nations had formed, it admitted Germany to membership as its first official act.[17] The underlying consideration in the extension of membership was thus established that the moral force of the ILO's work would be substantially weakened by the exclusion of any member of the international community, especially one with a major industrial structure.

The Washington Conference launched the organization under a handicap of trying to do too much at once; as a result, it weakened its influence and moral prestige by so doing.[18] It further suffered from the fact that the United States did not join the organization until 1934. Yet long after the League of Nations was progressively reduced to impotence and ultimately dissolved, the ILO continued on with renewed vitality and purpose.

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[17]Harold Butler, op. cit., pp. 182-185. Because of the disruption of sea communications, the German delegation never got further than Gothenberg, Sweden. Germany was admitted to the League in 1926.

[18]G. N. Barnes, op. cit., p. 59.

Each of these elements of universality in membership, tripartite voting structure, system of conventions and recommendations, development of a strong directorship, and motivating principles explain to a certain extent the vitality of the ILO and are illustrated in the planning and execution of the First African Regional Conference.

Machinery of the International Labor Organization

The structure and the machinery of the ILO is in many respects unique. It is in this uniqueness that a large measure of its strength rests.

The General Conference

The General Conference meets annually working from an Agenda prepared by its Governing Body.[19] Each nation is represented by two government delegates, one worker delegate and one employer delegate. Each delegate has a single vote. All matters are decided by a simple majority (Article 17, The Constitution of the ILO as Amended), but the total votes must make up half the number of delegates attending the conference.[20]

Each government is empowered to accredit the worker and employer delegate considered to be most representative of their

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[19]The conference has the authority to decide at any session to include a question in the agenda of the following session (Article 16, the Constitution of the ILO as Amended).

[20]A majority of two thirds of the votes cast by the delegates present are necessary on the final vote for the adoption of a convention or recommendation (Article 19, The Constitution of the ILO as Amended).

respective groups. Representation is based upon two assumptions: (1) that labor and management interests are independent both of each other and of government, (2) that governments, which have the ultimate responsibility for enforcing labor legislation, should not be outnumbered. It may be contested that the assumptions are theoretically invalid,[21] but, in fact, they appear to generally hold true as is illustrated in the First African Regional Conference.

The Group or Tripartite system of representation is a unique phenomena in the field of international relations. It imparts to the ILO a great latitude of pragmatism in its approach to the accomplishment of its objectives. The system, despite its weaknesses, presents a great opportunity for those who are directly affected to participate in the development of solutions which will be better because of the knowledge and experience contributed by these groups.

The ILC has from the outset concerned itself with the preparation and adoption of recommendations and conventions. Most of the Conference's work is done in committee meeting simultaneously with the Conference or by Standing Committees working both between sessions and during the Conference. Even though the process may superficially resemble the legislative process, the resulting instrument cannot accurately be compared to true legislation because no action taken by the ILO is binding on a member state without its assent thereto in accordance with its own constitutional processes.[22] Members of the ILO

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[21] Bernard Segin, op. cit., p. 414.

[22] Article 19, Section 7, Constitution of the International Labour Organization as Amended.

delegations do not have plenary powers and do not sign the conventions. Realistically, therefore, all the ILO's actions can be treated as recommendatory resolutions, whether they are called conventions or recommendations.[23] The convention is a higher form of resolution than a recommendation because upon adoption the member state is obligated to transmit to the ILO reports in connection with its adoption, to submit information concerning its implementation, and to answer charges of its not being implemented.

Since World War II emphasis has shifted away from research and standard setting activities concentrating on questions concerning: (1) economic development, manpower and employment, (2) improvement of living and working conditions, (3) educational and promotional action, (4) human rights. The Conference participates in this activity by resolutions giving general guidance and gives positive control by line budget approval.[24]

The principal weakness of the Conference is that delegations to ILO Conferences work under high pressure over relatively short periods of time. Effective participation depends upon the quality of the delegates and their advisers, continuity in representation, adequate staffing and preparation. These criteria are not always met.[25]

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[23] F. G. Wilson, Labor in the League System (Stanford: Stanford University Press, 1934), pp. 186-190.

[24] International Labour Conference, "Programme and Structure of the I.L.O.," Report of the Director-General, Forty-Seventh Session (Geneva: International Labour Office, 1963), pp. 115-125.

[25] Thorsten Sellin (ed.), "Current Issues in International Labor Relations," The Annals of the American Academy of Political and Social Science, op. cit., p. 185.

A secondary weakness of the Conference on an annual basis is the resulting depletion of funds which could otherwise be available for other uses. Working with a limited budget, the allocation of existing funds becomes critical for the International Labour Office. Much pressure has been placed upon the Conference to move to a biennial schedule to allow funds and time for increased regional activity; however, the Conference continues to meet on an annual basis.[26]

The Governing Body

The Governing Body was set at thirty-two persons by the Instrument of Amendment, 1946. By a further amendment adopted in 1953, entering into force in 1954, the size of the Governing Body was increased from thirty-two to forty persons.[27] There are twenty government delegates, ten employer delegates, and ten worker delegates. The tripartite character of the Conference is carried over to the Governing Body with the same ratio of governmental to non-governmental representation. Provision for deputy members gives the Governing Body an opportunity to gain a wider geographical scope of representation. Its special feature is the recognition of a special position of chief industrial powers by insuring them of a seat as governmental represent-

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[26] International Labour Office, Minutes of the Governing Body, 137th Session, Geneva, 27 October to 1 November 1957, p. 22.

[27] By a still further amendment adopted in 1962, provision was made for increasing the size of the Governing Body from forty to forty-eight. (International Labour Conference, "Programme and Structure of the I.L.O.," op. cit., p. 126.

atives. The Governing Body determines which states are of chief industrial importance.[26] The remaining seats are filled by an electoral college from each group of the General Conference which selects representatives from its group. This numerical composition has a twofold aim: to ensure a sufficiently representative character to that body and to avoid the risk of marring its effective action by entrusting too great a number of persons with the task of directing the organization.[27]

Under the constitution and constitutional practice of the organization, the Governing Body has the primary responsibility for fixing the formal agenda of the General Conference. It has the authority to convene and control other subsidiary meetings and to decide what action should be taken on the resolutions adopted by them. This in reality is an integrating role whereby the work of the Conference, Committees and Office are brought together. Furthermore, the Governing Body supervises the budget formulation by the Director-General as a part of its overall responsibility to select a Director-General and oversee the operation of the International Labor Office.

The Director-General

The Director-General of the International Labor Office serves for an initial term of ten years which may be renewed, but only in five

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[26]International Labour Office, Official Bulletin, XXIX, pp. 211-213.

[27]International Labour Office, "The Composition of the Governing Body of the I.L.O.," International Labour Review, LXX, No. 6 (December 1954), pp. 496-525.

year increments. The Governing Body decides its own agenda, but in reality it is partially formed by "suggestion" that the Governing Body "may wish to decide," by "invitation" to take certain action, by advisory opinions rendered by the Chief of the Legal Division of the Office, by supplementary reports, or by an outright request for action. Since the Governing Body has primary concern for the agenda of the General Conference and the Director-General in turn maintains such an influential position in the proceedings of the Governing Body, the influence of the Director-General upon the agenda of the General Conference is not difficult to trace nor estimate. That influence is significant.

The Director-General has primary responsibility for formulation of a line budget and a certain measure of discretion in transferring funds to meet unforeseen contingencies between sessions of the Governing Body subject to their later review. He supervises the operational activities of the Conference such as Technical Assistance and Vocational Training projects. He initiates requests for, appoints representatives to and watches over all branch offices and national correspondents.[30] He is chief administrator of an international agency having an operating budget in 1964 of $16,976,067 (US).[31] The Office publishes five

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[30]In 1963 the ILO maintained twelve branch offices throughout the world and forty-five national correspondents in nations not having branch offices.

[31]International Labour Conference, Financial and Budgetary Questions, Report II, Forty-seventh Session, Geneva, 1963, pp. 15-25.

periodicals in three to five languages as well as considerable other research material and special reports, for which the Director-General assumes full responsibility. He prepares an annual report for the organization to the United Nations and has the privilege of appearing before the United Nations and its affiliated specialized agencies.

The International Labor Organization and the United Nations

A picture of the organization is not complete without a delineation of its relationship to the United Nations (UN). In 1946 an agreement was entered into with the UN whereby the ILO was recognized as a specialized international agency and certain relationships were defined, chief among which were:

1. The right of reciprocal representation.
2. The right of the UN to review and make recommendations on the ILO budget.
3. The confirmation that the ILO would provide information to the Security Council, Trusteeship Council and International Court when requested to do so.
4. The assurance that recommendations would receive ILO consideration when originated either by the General Assembly or the Economic and Social Council.
5. The assurance that suggested agenda items would receive reciprocal consideration and could originate both in the Economic and Social Council and the ILO.
6. The confirmation that the ILO would cooperate and exchange documents with the Economic and Social Council coordinating its activities as far as practicable.[32]

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[32]International Labour Office, International Labour Review, LIV, Nos. 5-6 (November-December, 1946), pp. 281-304; LV, Nos. 1-2 (January-February, 1947), p. 31.

It is upon this last item of coordination that friction has developed between the two organizations.

In the course of its 24th Session (1957), the Economic and Social Council adopted a series of resolutions on the development of coordination of the economic, social and human rights programs of the UN.[33] The resolutions included steps toward developing internal coordination and concentration of effort, inter-agency coordination, and a composite five year appraisal of future plans. In the composite five year plan proposal, the Governing Body saw an attempt on the part of the Economic and Social Council to encroach upon an area of responsibility proper to itself and took definite exception.[34] Eventually, in the words used by a coordination committee in a report to the Economic and Social Council, a basic agreement was achieved "not by way of centralization, not by directives or orders, but by free cooperation in the efforts designed to improve the lot of man."[35] The solution involved the submission by the ILO of information for a consolidated agency five year plan with an express affirmation that it would not represent a rigid commitment in regard to specific programs

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[33]Resolutions 664A (XXIV); 665A; C(XXIV) of August 1, 1957.

[34]International Labour Office, Twelfth Report of the International Labour Organization to the United Nations (Geneva, 1958), pp. 120-127; Minutes of the Governing Body, 137th Session, op. cit., p. 29.

[35]"Excerpt from the Report of the Co-ordination Committee," annexed to resolution 694F (XXVI) of 1958. Cf. United Nations, Economic and Social Council, Official Records, Supplement No. 1, Twenty-sixth Session, 1-31 July: Resolutions (Document E/3069).

or interfere with the flexibility in program determination from year to year.[36]

This dispute and its settlement illustrate the nature of the ILO's independence from and association with the United Nations. It shows that the ILO is jealous of its constitutional and traditional prerogatives, that it is confident that over forty years of experience give it a measure of authority unmatched by the newer agencies, and that by its particular structure and orientation it has something unique to contribute to the world community.

It is important to note that the ILO Constitution as amended in 1946 did not make UN members automatically members of the ILO as was the case in 1919 when dual membership was automatically conferred. Membership under the amended constitution was composed of members of the ILO as of 1 November 1945 and those original members of the UN who agreed to accept the responsibilities involved in such membership. There were no specific requirements for standing in the international community, status vis-a-vis official recognition under international law, or membership in other international bodies. The General Conference could admit members by a vote concurred in by two-thirds of the delegates attending the session including two-thirds of the Government delegates present and voting. All that was required of a new member

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[36] International Labour Office, Thirteenth Report of the International Labour Organisation to the United Nations (Geneva, 1939), pp. 60-62.

was that it formally accept the obligations of the Constitution of the organization.[37]

Summary

An evaluation of the system under which the ILO operates is best defined in terms of the Conference Delegation on Constitutional Questions formed for the purpose of writing the Instrument of Amendment, 1946:

> 75. The unique strength of the International Labor Organization derives from the manner in which the tripartite system makes it representative of workers and employers as well as governments. It is this strength which has made it a power in the world, has enabled it to survive the disruptive influence of war, and gives it the vitality to confront with a bold freshness of approach the problems arising from the war. All the I.L.O. action derives from a chain of a representational character. The foundation of the Organization is the member states which appoint their delegates to the Conference. The delegates to the Conference, acting through the electoral colleges, appoint the elective part of the Governing Body, the non-elective part being representational in another way. The Governing Body appoints the Director of the International Labour Office, who subject to the instruction of the Governing Body is responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him. It is the existence of this chain of responsibility which gives distinctive character to the International Labor Office, the work of which grows out of and in its turn contributes to the formulation of policy by the responsible representatives of the peoples of the world, acting through their governments and their employers' and workers' organizations.[38]

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[37] See J. T. Watkins and J. W. Robinson, General International Organization (Princeton: D. Van Nostrand Company, Inc., 1956), p. 135, for a comparative article by article presentation of the ILO Constitution of 1919 with its 1946 Instrument of Amendment.

[38] International Labour Office, Constitutional Questions, Part I: Reports of the Conference Delegation on Constitutional Questions, Report II (1), International Labour Conference, 29th Session, Montreal, 1946, p. 65.

The ILO structure, unique in international organization, maintaining a special relationship to the UN, and having general motivation towards the attainment of social justice proves to be most flexible under the stress of the pressures of world politics and extremely adaptable to new situations. This is clearly demonstrated by the events leading up to the First African Regional Conference and by those events which occurred during the conference.

CHAPTER III

PREPARATION FOR THE CONFERENCE

The Constitution of the International Labor Organization as amended in 1946 recognized the desirability of regional conferences in Article 38 which had no parallel in the 1919 original. This article provided that the Organization could convene such regional conferences and establish such regional agencies as might promote its aims and purposes. With the rise of independence and autonomy movements on the continent of Africa, the desirability of holding an African regional conference came under discussion.

Background

The ILO had long been connected with the attempts to solve problems peculiar to the continent of Africa. Arising out of investigations into the questions of native and forced labour raised by the League of Nations in 1926, the ILO formed a standing Committee of Experts on Native Labor, which conducted investigations and research with the ultimate purpose of concluding conventions to set and improve standards throughout the underdeveloped part of the world.[1] The Committee gave way to a Committee of Experts on Social Policy in Non-Metropolitan Countries, which met five times between 1947 and 1957

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[1] F. G. Wilson, Labor in the League System, p. 106.

each time studying and discussing a matter of fundamental interest in Africa. At one of its meetings it dealt with the question of penal sanctions against indigenous workers for breach of contract, and its deliberations led to the adoption in 1955 of a convention against such sanctions. It dealt with questions concerning economic and social conditions in rural regions, workers housing, vocational and technical training, labor management relations, wage policy and social security. Also in 1955 it completed a basic study on the migratory movements of workers in Africa leading to the adoption of a recommendation for the protection of migrant workers in the same year.[2]

The Committee of Experts on Social Policy in Non-Metropolitan Countries gave way in 1958 to an African Advisory Committee. Where the earlier Committee change reflected a shift in the orientation of the ILO activities; the second change came in response to changes in the status of the territories which make up the continent of Africa. After World War II, a growing amount of technical, educational and legal advisory service was rendered to the continent when requested by the nations concerned. This was part of a world-wide assistance program the extent of which can be judged from the fact that from 1950 to 1960 a total of 773 experts representing fifty-one nationalities undertook more than 1,000 assignments in sixty countries. In 1959 alone 315 experts were sent to sixty-two countries.[3] An indication of the

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[2]International Labour Office, Africa and the I.L.O. (Geneva, 1960), pp. 24-25 (Pamphlet).

[3]Ibid., p. 32.

influence of the organization may be seen in that most of Nigerian labor legislation was formed in planned conjunction with ILO standards.[4] Also significant is the number of ratified conventions new African nations present as a testimony to their willingness to assume the obligations of the organization when they formally apply for membership.[5]

The International Labor Office undertook extensive surveys of labor conditions in Africa from 1956 to 1960, set up a field office in Lagos, Nigeria, in 1959 and, in general, tried to pace its efforts with the growing independence of various African areas.[6]

An African Conference--The First Attempt

By 1959 regional conferences had been held in Asia and Latin America. The ILO was considering a Middle East regional conference but there had been no move for an African regional conference. As a result, there were some newly independent nations who were not satisfied by either the pace or the activity of the ILO in Africa. In commenting upon the Director-General's Report to the Thirty-Third Session of the General Conference, Abdul Aziz, the Workers' delegate from Ceylon, served notice that he intended to present a resolution dealing with the Negro workers in Africa.[7]

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[4]International Labour Office, "The Influence of International Labour Conventions on Nigerian Labour Legislation," International Labour Review, LXXXII, No. 1 (July, 1960), pp. 26-43.

[5]International Labour Conference, Record of Proceedings, Forty-fourth Session, Geneva, 1960, pp. 541-559.

[6]International Labour Office, African Labour Survey (Geneva, 1958); Labour Survey of North Africa (Geneva, 1960).

[7]International Labour Conference, Record of Proceedings,

At the same time, Ghulam Ali Allana, Employers' delegate from Pakistan, introduced two resolutions, the first of which would make the Conference's recommendations mandatory for Governing Body execution and the second of which would require a direct report from the Governing Body to the Conference as to what action it had taken on such recommendations. Allana's resolutions were interpreted as an attempt to have the Conference hamstring the traditional freedom of action enjoyed by the Governing Body and became the cause of a division which had direct effect upon Aziz's African resolution.

In the Resolutions Committee, the Workers under Aziz had introduced a measure calling for an immediate African Regional Conference, but opposed Allana's restrictive measures since the problem of Governing-Body-Conference relationship was already under study by the Governing Body.[8] In turn, the Employers were against the proliferation of regional activities and opposed the Workers' resolution. Allana accepted the elimination of his first resolution and a modified version of his second.[9] Aziz accepted a more moderate version of his demand for a regional conference.[10]

The line up of the Resolutions Committee in respect to Aziz's resolution showed that the Workers and Government delegates were in

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Thirty-third Session, Geneva, 1950, p. 157.

[8] Ibid., p. 372 (Mr. Delaney).

[9] The second resolution restricting the Governing Body by a report requirement was not passed until 1963.

[10] International Labour Conference, Record of Proceedings, Thirty-third Session, pp. 370-374.

favor of a resolution calling for a regional conference in Africa. The Employers' delegates were ostensibly against the resolution by virtue of the expense involved and the inherent dangers of organizational fragmentation.[11] The overall effect of the Committee action was to divide the Workers' and Employers' delegates. The Government delegates were antagonized by the Employers heavy-handed attempt at being "hasty, ill-conceived, and ill-timed."[12] As a result, the Government delegates were sympathetic to the Workers' efforts to obtain a regional conference for Africa.

The extent of the Committee rift can be judged from the statement made by William Barton, an Employers' delegate as Conference debate opened on the Resolutions Committee Report:

> I would like to make clear one situation that the Employers had to deal with during the meetings of the working party and the tripartite Committee on Resolutions. Again and again when we proposed suggestions, it was said by the speaker who has just preceded me (Alfred Roberts, Workers' delegate, United Kingdom), "I would oppose that if for no other reason than just because the Employers are proposing it." I submit that in an atmosphere like that it is most difficult to get agreement.[13]

From the debate which followed, it was obvious that the Government delegates outside of the Resolutions Committee had not committed themselves to either the Workers' or Employers' stand on any one subject. Thus for either the Workers' or Employers' groups to be successful in

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[11] Ibid., p. 263.

[12] Ibid., p. 372 (Sir Myrddin-Evans).

[13] Ibid., p. 327.

any one measure they had to win over the uncommitted Government delegates.

It was into this explosive situation that Aziz had introduced into the Resolutions Committee the following resolution:

> The Conference . . . . further directs the Governing Body to organise an African Regional Conference of the I.L.O. as early as possible, and not later than June 1951, and to secure in such Conference adequate representation of the Negro and other non-European workers of Africa.[14]

The Committee managed to modify the wording of the resolution, which was obviously not compatible with the discretionary power traditionally allowed the Governing Body:

> The International Labour Conference . . . requests the Governing Body to consider in consultation with States Members concerned, measures, including the desirability of convening an African Regional Conference, for enabling the International Labour Organisation to play a fully effective part in the development of social policy in Africa.[15]

The Committee adopted the modified resolution by thirty-one votes with most of the Employers' delegates abstaining from the vote.

Going on to the floor of the General Conference, therefore, Aziz had the security of a firmly supported resolution framed in diplomatic but still potentially effective fashion. He appeared to have lost the Employers' support but had good prospects of moving the Government delegates.

In his speech introducing the resolution, inexplicably Aziz assured its defeat by tying its passage to an implicit acknowledgment

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[14] Ibid., pp. 414-415.

[15] Ibid., p. 421.

by the Colonial Powers present to the validity of the following charges:

1. Even animals were cared for better than humans in Africa.

2. Africans were being inhumanly exploited.

3. They were being so treated by the Great Powers with complete unconcern for an objective and progressive approach to their problems.

4. This treatment was caused by the necessity of industrial countries to solve their problems of overproduction.[16]

Utilizing as authorities, J. M. Tinley,[17] R. L. Buell,[18] and 1936 statistics, Aziz embellished an elaborated his charges in a tedious harangue.

Portugal's Government delegate, Ribeiro da Cunha, made a terse evaluation of the polemic with the observation: "I am very sorry to think that Mr. Aziz talked about labor conditions in Africa when he is not aware what those labor conditions are."[19] Burton (Employers' advisor, United Kingdom) twitted Aziz about the length and irrelevancy of his remarks. In reply to the assertions that Africa was not represented, Burton quipped that he should also urge that the United Kingdom

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[16] Ibid., pp. 367-368.

[17] J. M. Tinley, The Native Labor Problem of South Africa (Chapel Hill: University of North Carolina Press, 1942).

[18] R. L. Buell, The Native Problem in Africa (New York: Macmillan Co., 1928).

[19] International Labour Conference, Record of Proceedings, Thirty-third Session, p. 369.

delegation should contain more Englishmen. This was the extent of the debate on the resolution.

The vote was swift and decisive. A show of hands showed seventy-six for, two against; passage failed by lack of a quorum. A record vote resulted in eighty-three for, none against and forty-two abstentions with the same result.[20] The only continental African representatives present, aside from the Colonial Powers, were those of Egypt and the Union of South Africa. The two remaining African ILO members, Ethiopia and Liberia, were not represented at the Conference.

Analysis of the debate and voting show that Asiz was off on his timing. First, he obviously failed to coordinate his efforts with those of his fellow Asian delegate from Pakistan. This emphasizes one of the weaknesses of the Conference, which is the lack of preparation coupled with working under great pressure. It appears that prior consultation would have resulted in a quid pro quo arrangement, whereby the Workers could have exchanged support of the Employers' resolution concerning the Governing Body for support of their regional conference proposal. For, even in their watered down versions, both resolutions were mutually supportive.

Second, Asiz's position was further weakened by the absence of representation from the two African nations, Ethiopia and Liberia, who could have spoken out with a measure of unimpeachable support. Even at that, when his resolution came up, the Union of South Africa was absent and Egypt was silent.

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[20] Ibid., p. 370.

Third, only twenty-seven percent of the countries present, holding twenty-three percent of the votes, could be presumed naturally sympathetic towards a major African effort using the crudest criterion of their underdeveloped character. The Employers' delegates had served notice in Conference and in Committee that they were opposed in principle to regional conferences, and in feeling, to the current Workers' delegates. As a result, to have any chance of success in gaining support for the African Regional Conference proposal, Aziz needed support from either a large number of Government delegates or from both Government and Employers' delegates as individuals. This chance, by design or by accident, was automatically forfeited by a speech based on weak and inaccurate information irrelevant to the resolution. His presentation was guaranteed to give offense to the one single group capable of providing the support needed--the Government delegates.

The feelings of the Employers' delegates had been unequivocally stated just prior to the debate. A substantial number of Employers thought it ill-advised at that time to consider calling an African Regional Conference and they intended to abstain.[21] Thus Aziz knew that his only hope of support rested with the Government delegates as a group. True to their word only eighteen percent of the Employers' delegates voted for the resolution.

The Workers mustered a monolithic block of eighty-seven percent of their number in favor of the resolution. Government support remained

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[21] Ibid., p. 366 (Mr. Berton).

at the same sixty-three percent ratio which it displayed in Committee. The entire Portuguese delegation (four members) had been committed to support the resolution until Aziz's opening remarks.[22] They, together with three of Brazil's delegates, abstained from the final vote. The overall vote was merely five short of passage.

The very next Conference vote was a unanimous approbation, moved by Aliana, of the Governing Body efforts to intensify regional work and their consideration of the recommendations of past Asian Regional Conferences. This demonstrates that the proliferation of regional conferences was not the main point of issue in consideration of Aziz's proposal.

If Aziz were not a member of the Ceylonese Parliament, it would be possible to consider his performance as a gross error in the exercise of parliamentary skill and political judgment.[23] The rationale for his action is obscure, but the end result for the ILO was definitive. The Governing Body had it in its power to take note of any of the Conference proceedings, even a defeated resolution, and to find therein an indication of the consensus of the Conference. Furthermore, it was within the power of the Governing Body unilaterally to call an African Regional Conference subject only to Conference budgetary approval. The Director-General did not so prod the Governing Body, which itself took no note of the defeated resolution.

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[22] Ibid., p. 369.

[23] There is no indication in the ILO Official Proceedings that Aziz ever returned to Geneva in an official capacity representing the workers of Ceylon.

The Director-General stated his position officially eight years later to the Governing Body:

> . . . . the successful development of the activities of the I.L.O. in Africa involves a number of different forms of action which is important to develop in such a manner that they are complementary to each other. The collection of information and research, adequate provisions for technical assistance, and the organisation of appropriate meetings of a representative character must all have a place in a satisfactory over-all programme. It therefore seems desirable, and indeed necessary, to deal with all these elements in the problem on the basis of a well-conceived and orderly general programme rather than to isolate any one of these elements from the programme as a whole.[24]

Thus the movement for an African Regional Conference was set back ten years. Instead of the ILO directly assisting the emerging nations of Africa, it elected to ride in the wake of African independence movements concentrating on indirect activity. The Director-General was of the opinion that this was a necessary development. Yet the feeling of the debate in 1950, which was to be substantially repeated in 1956, quite clearly showed that the General Conference disagreed with this view of gradualism.

An African Conference--The Second Attempt

In the fall of 1957 the news that the UN was about to establish an economic commission for Africa prompted the Workers' delegates to urge the Director-General to conclude his negotiations with the African governments concerned in respect to the ILO's responsibilities in that

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[24]International Labour Office, Minutes of the Governing Body, 140th Session, Geneva, 18-21 November 1958, p. 35.

area. They also urged exploration of the possibility of holding an African Regional Conference.[25] This was the period when the friction between the Economic and Social Council of the UN and the ILO was reaching its peak.[26] By the spring of 1958, the Director-General had set forth a proposal for the creation of an African Advisory Committee representing Africa South of the Sahara to advise the Governing Body on African problems, African aspects of general problems and, in particular, to make recommendations concerning the advisability of ILO meetings in Africa with proposals for the composition and agenda of such meetings.[27] This proposal was accepted with the usual reservations of the Employers' delegates, who cited the overlapping effort with the UN, excessive cost and uncertain feasibility as reasons.[28] The Committee, however, was established and its first meeting set for 1959.[29]

When the General Conference convened in June, 1958, Mahjoub ben Seddik (Workers' delegate, Morocco) introduced a resolution which would convene the First Tripartite African Regional Conference in 1959.[30] It

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[25]International Labour Office, Minutes of the Governing Body, 137th Session, p. 77.

[26]Supra, pp. 22-23.

[27]International Labour Office, Minutes of the Governing Body, 138th Session, Geneva, 11-15 March 1958, pp. 132-133.

[28]Ibid., p. 46 (Mr. Burne).

[29]International Labour Office, Minutes of the Governing Body, 139th Session, Geneva, 30-31 May and 27 June 1958, p. 30.

[30]International Labour Conference, Record of Proceedings, Forty-second Session, Geneva, 1958, pp. 591-592.

put in resolution form the purposes for which the African Advisory Committee had been created. It repeated the tactical error of 1950 by attempting to direct the action of the Governing Body and ignoring the practical considerations of finances and conflicting meetings. The Resolutions Committee once again revised the resolution so as to request the Governing Body to consider convoking an African Regional Conference.

Discussion within the Committee on the subject of deadlines and mandates to the Governing Body presaged the outcome of any attempt to appeal directly to the Conference for a deadline.[31] The English delegate, Sir Guildhaume Myrddin-Evans, pointed out that all the pressure for a deadline was originating from the USSR, Ukraine, Rumania, Poland, Yugoslavia, Morocco and the United Arab Republic (UAR). In fact, he observed that ben Seddik was exhibiting "undue sensitivity in objecting to this observation" since he was merely going to ask the simple question "whether the resolution had been drafted in Morocco or in Moscow."[32] This move by ben Seddik was regarded by the Committee in general as an attempt of nations dissatisfied with their representation on the Governing Body to appeal to the General Conference over the head of that Body.

Despite his defeat in Committee, ben Seddik pushed for a ruling on an African Conference deadline from the General Conference. In this

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[31] International Labour Office, "Minutes of the Ninth and Tenth Sittings of the Resolutions Committee of the International Labour Conference, Forty-second Session, Geneva, June 1958," Minutes of the Governing Body, 140th Session, p. 86 ff.

[32] Ibid., p. 87.

year, with eight out of nine African members present, in the light of the ILO's expanding activity in Africa and in the light of the scheduled independence of many more African nations, there was every reason to expect passage in some form of a resolution calling for an African Regional Conference. The point at issue was basically the question as to whether the General Conference should issue specific mandates to the Governing Body or should the Governing Body be left free to carry out general mandates in the light of existing resources.

From the debate, it is obvious that Ben Seddick missed the point at issue when he pushed for an amendment setting a deadline to be met by the Governing Body.[33] In this effort to amend the Resolutions Committee Report he had no support outside the Communist bloc and was soundly defeated. He based his argument, not on the Constitutional question of Governing Body-Conference relationships,[34] but upon the record of failures on the part of Colonial Powers to keep promises to dependent peoples.[35]

The Resolution calling for an African Regional Conference as soon as practicable at the discretion of the Governing Body passed

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[33]International Labour Conference, Record of Proceedings, Forty-second Session, pp. 437-440; 452-461.

[34]The Conference in 1962 increased its control over the Governing Body by a resolution requesting the inclusion each year in the Director-General's Report to the Conference of a chapter setting out the steps taken to give effect to the resolutions of previous Sessions and the results achieved. The Governing Body acceded with the publishing of an Appendix, attached to but not an integral part of the Director-General's Report in 1963.

[35]International Labour Conference, Record of Proceedings, Forty-second Session, pp. 453-454.

with a show of hands--one hundred ninety-one in favor, one against and nineteen abstentions. Once again the Director-General's program of gradualism prevailed as was indicated by his statement to that session of the Conference:

> Nothing in what has been said in the debate seems to me to call for a radical reorientation of the I.L.O.'s work towards new subjects or away from present fields of activity. . . . The I.L.O. has for long been preparing itself patiently and carefully for work in Africa. We realize how important it is to base our action on a thorough knowledge and understanding of conditions in different parts of Africa.[36]

This success was somewhat modified by the fact that the resolution undercut the specific mandate given the African Advisory Committee to explore the question of a regional conference. From the pressure applied by the 140th and 141st Sessions of the Governing Body for a 1960 African Regional Conference date, it is evident that the Director-General either misinterpreted the sense of the Conference or was consciously attempting to control the pace and direction which the Conference was intent upon pursuing in regard to Africa.[37]

Conference Preparation

Prodded by the action of the General Conference in June, the Governing Body took up the question of an African Regional Conference and its date at its next session in November. The Director-General

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[36] Ibid., p. 446.

[37] International Labour Office, Minutes of the Governing Body, 140th Session, pp. 31-38; Minutes of the Governing Body, 141st Session, Geneva, 10-13 March 1959, pp. 30-32.

again executed a masterful holding action by the device of a special report to the Governing Body outlining his African program and pleading for a postponement of the issue until the African Advisory Committee and the Committee of Experts on Social Policy in North African Countries had a chance to meet and report.[38]

March 1959 saw the Director-General setting the stage for a modification of his firm 1961 date for an African Regional Conference. This took the form of a request for a decision on what was to be the fourth major meeting to be convened in 1960. "It was understood" by the Director-General "that the question would be decided by the Governing Body itself as a matter of policy, but the Financial and Administrative Committee would have before it estimates for an African Regional Conference and for an alternative major meeting."[39]

The Governing Body, already committed to the principle of holding a conference, centered the discussion on the timing of the conference. The Director-General's budget request was so phrased that the practical obstacle of funding was removed. Portugal, France and the United Kingdom pressed for a date in February 1961 on the basis that such a delay would allow fuller participation on the part of nations scheduled for independence (Nigeria in 1960; Somaliland in 1960) and other territories such as the new Federation of Central

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[38]International Labour Office, Minutes of the Governing Body, 140th Session, p. 37.

[39]International Labour Office, Minutes of the Governing Body, 141st Session, p. 105.

Africa. The remaining delegates pressed equally as hard for a 1960 date on the basis of the urgency evidenced in the General Conference and the mistrust which would be engendered in Africa over a postponement. The result was a unanimous endorsement of an African Regional Conference in 1960 with the specific date to be submitted by the Director-General. The Director-General promptly selected December 1960 as the conference period on the basis that it was the only time free from conflicting meetings.[40]

The practical outcome of the Governing Body's action was to change the basic nature of the African Advisory Committee, which had yet to hold its first meeting. For during the same Governing Body Session, the following agenda for the Advisory Committee prepared by the Director-General was approved without discussion:

1. Joint consultation between employers and workers.
2. Vocational and technical training.
3. Future program of work of the ILO in relation to Africa.[41]

The "future program of the ILO in relation to Africa" had been quite firmly set by this session of the Governing Body and by the Director-General's program. Bound by a very limited agenda, the Advisory Committee became, in fact, a "preparatory commission" following the lead of the Director-General.

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[40] Ibid., p. 32.

[41] Ibid., p. 105.

Thus ben Seddick's Conference Resolution even in its diluted form, had the ultimate unsought effect of weakening a potentially effective organ, while obtaining the advantage of a Regional Conference only seven weeks earlier than it was originally progressed by the Director-General.[42]

The African Advisory Committee, proposed in 1958, was conceived as an extension of the Committee of Experts on Social Policy in Non-Metropolitan Territories.[43] Such an organisational development was necessitated by current political changes including the emergence into independent status of countries such as Ghana and the autonomy of areas such as French West Africa.

The Workers' group had been working for such an organisational change since 1950 but their pressure had been successfully resisted by the Director-General as being premature in character.[44] The greatest stumbling block to the creation of the Advisory Committee was the division of responsibility into Africa South of the Sahara and North Africa.

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[42]International Labour Office, "Appendix VI, Sixth Item on the Agenda: Methods for Associating North African Countries More Closely with the Work of the I.L.O.," Minutes of the Governing Body, 140th Session, pp. 35-36. The Director-General's African Program: 1956-58, labor survey of Africa South of the Sahara; 1958-1960, labor survey of North Africa; January 1959, open the first African Field Office at Lagos, Nigeria; November 1959, African Advisory Committee meeting; February 1960, Committee of Experts on Social Policy in North African Countries meeting; February 1961, First African Regional Conference.

[43]International Labour Office, Official Bulletin, XLI, No. 3 (1958), pp. 479-480.

[44]International Labour Office, Minutes of the Governing Body, 130th Session, p. 47 (Sir Alfred Roberts).

This division offended the political pan-African sentiments of the Continental African members. There was a sincere evaluation of the problem reflecting economic and cultural considerations.[45] Yet the Algerian question still remained unsettled at this point, and the international situation seemed to be better served by a continuation of the old style Committee of Experts on Social Policy confined to North African Countries.[46]

The wisdom of separation was evidenced by Tunisia's refusal to allow the Committee of Experts on Social Policy to meet in Tunisia on the basis of the French citizenship of one of the Committee from Algeria.[47] Tunisia's stubbornness supported the prevalent contention that any African general conference would disintegrate into a meaningless political joust.

Financial objections to the Advisory Committee's existence were again met by the budgetary device of transferring funds appropriated to the now defunct Committee of Experts on Social Policy in Non-Metropolitan Countries and by the application of those funds to the Advisory Committee.

Since the Advisory Committee's agenda had been set and the Regional Conference decided upon, the Advisory Committee's initiative

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[45] Ibid., p. 49 (Mr. Arnadier).

[46] International Labour Office, Minutes of the Governing Body, 144th Session, Geneva, 1-4 March 1960, pp. 48-49.

[47] Ibid., Appendix VII, No. 3, p. 66.

had been negated. Thus the Committee had been relegated to a purely preparatory role and recognized this fact.[48]

The Governing Body and the Director-General, by setting the Advisory Committee's agenda and by providing the research material on that agenda via the Director-General's Report, were able to direct the nature of the agenda ultimately approved for the Regional Conference. Thus, the eagerness of some delegates to force a deadline for holding the Conference caused their own conferees in the Advisory Committee to lose an influential initiative destined to be theirs by virtue of the schedule originally advocated by the Director-General.[49]

The Advisory Committee meeting followed along the lines drawn for it by the Director-General but split over the question of geographical representation for the Regional Conference. The Committee was so divided that they agreed to take no vote and recommend to the Governing Body only that a "substantial majority" advocated that the 1960 Regional Conference exclude North Africa.[50] The full potential of the Committee was not recognized, however, as a result of the unnecessary and undercutting efforts originating in the Forty-second Session of the General Conference.

The Director-General's agenda proposals for the Advisory Committee emerged but slightly altered as that Committee's proposals

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[48]International Labour Office, Report of the African Advisory Committee, First Session, Luanda, 30 November to 10 December 1959 (Mimeographed), p. 7.

[49]International Labour Office, Official Bulletin, XLII, No. 6 (1959), pp. 187-188.

[50]International Labour Office, Report of the African Advisory Committee, First Session, p. 17.

for the agenda of the African Regional Conference:

I Report of the Director-General.

II Vocational and technical training.

III Relations between employers and workers:

(a) Freedom of association,

(b) Joint consultation,

(c) Collective bargaining.[51]

An attempt to place on the agenda the right of association was frustrated on the Committee level. The effort of the World Federation of Trade Unions to bring it directly before the Governing Body by direct communication was ignored by that Body.[52] The political implications in relation to the Republic of South Africa were too potent to permit consideration at that time. The agenda items suggested by the Advisory Committee for the First African Regional Conference were passed without question or debate.[53] So, in respect to matters of agenda, it was the Director-General who initiated the agenda material for the African Regional Conference, receiving what can only be considered as a vote of confidence from the Governing Body and the African Advisory Committee.

Political Considerations

In March 1960, the Governing Body continued the discussion of

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[51]International Labour Office, Minutes of the Governing Body, 144th Session, p. 64.

[52]Ibid., p. 65.

[53]Ibid., p. 50.

the geographic area which was to be represented at the African Conference. The Advisory Committee, made up of colonial and independent nations South of the Sahara, recommended that the Regional Conference include the same area by reason of a common economic and cultural background for its problem areas. Yet, unable to get a unanimous decision, they did not record a vote.

The UAR pressed for a pan-African meeting and was supported by the North African members of the Governing Body. The French and the British were openly concerned by the possible intrusion of political matters on the deliberations of the Regional Conference.[54] It was pointed out that the membership of the Governing Body would change at the next session of the General Conference. It was possible that a division such as that being considered would make the selection and composition of the Governing Body itself a reflection of the inability to arrive at a decision as to African representation at the 1960 Regional Conference. Under the assurance that the African Regional Conference would be considered a technical one and that the Director-General would inform the countries concerned of this fact through the letter of convocation, the Regional Conference was extended to include all African members of the ILO.

The counterpart of the African Advisory Committee, the Committee of Experts on Social Policy in North African Countries, for purely political considerations, was prevented from meeting in Tunisia as

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[54] Ibid., p. 45 (Mr. Valine).

scheduled in February 1960. The obstacle was the UAR's objecting to the Governing Body's selection of a representative of the French government and a non-Algerian employer to represent Algeria.[55] The Tunisian Government, which had offered to host the meeting, on December 14, 1959, requested the offending delegates to be withdrawn on the grounds that since Tunisia recognized the Provisional Government of the Algerian Republic, it could not admit any right of representation to a delegate of the French Government or French Employers. The Governing Body took notice of the Tunisian objection and postponed the meeting indefinitely.[56]

The only result of the Tunisian action was effectively to cut off North Africa from the planning phase of the African Regional Conference. Creation of an African Advisory Committee with membership restricted to African South of the Sahara was coupled with dissolution of the Committee of Experts on Non-Metropolitan Territories. Once the African Regional Conference opened on a pan-African basis, the need for a Committee of Experts on Social Policy in North African Countries passed. As far as can be determined from official records, this North African Committee never formally met, in effect killed by Tunisian political activity.

Political questions continued to intrude upon the planning phase of the Regional Conference. A question arose over the extension

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[55]International Labour Office, Minutes of the Governing Body, 143rd Session, Geneva, 17-20 November 1959, p. 63.

[56]International Labour Office, Minutes of the Governing Body, 144th Session, p. 66.

of an invitation to the Islamic Republic of Mauritania to attend the Conference. The validity of the independent status of Mauritania was the subject of a serious dispute between the Government of Morocco and the French Government. The matter had been referred to the UN and a decision was pending.

Morocco objected to an invitation being extended on the basis that the ILO was being asked by that act to adopt a purely political position which might well have serious ramifications. Morocco maintained that it would be rash to prejudge the UN decision which was, in effect, what the Governing Body, a technical and non-political body, was being asked to do. It felt that the first result of such a decision would be to introduce a political element into the African Conference and inevitably doom it to failure. Nonetheless, the Governing Body, though taking note of the reservations of Morocco (seconded by the USSR), did extend an invitation to Mauritania.[57]

The General Conference reaffirmed the principle that membership should be based on independence and ability to fulfill obligations. Since the procedure for admission to the UN and the other international organizations were different, the admission of Mauritania to the ILO, based on the ILO Constitution, could not be prejudiced by the question of its admission to other international agencies. The political differences under discussion were held to be a matter exclusively the

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[57] International Labour Office, Minutes of the Governing Body, 147th Session, Geneva, 15-18 November 1960, pp. 53-54.

concern of France, Mauritania and Morocco. It was up to the UN to settle these differences if those nations so decided.[58]

This basic principle of dealing with such questions had been settled at the first act of the ILO at the Washington Conference, October 1919, when it decided to admit both Germany and Austria to the organization before they had been admitted to the League of Nations. It had again been confirmed in the Instrument of Amendment of 1946. This trend towards universality had a long precedent which was capable of transcending political disputes only incidental to the aims and purposes of the ILO.

During the Forty-fourth Session of the General Conference there was another political incident which underscored the apprehension that the African Regional Conference would not be able to control its proceedings. On June 9th delegates from nine African Countries walked out of the Conference Sitting when Louis Peterson (Workers' delegate, Republic of South Africa) rose to speak even though he was criticizing the practices of his own government. They were followed by the Soviet delegation. Their reason was that they refused to give heed to a representative of any union sponsored by the Republic of South Africa.[59] This was not the traditional mode of parliamentary activity in the ILO since delegates usually confine their objections to the discussions of

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[58]International Labour Conference, Record of Proceedings, Forty-fifth Session, Geneva, 1961, pp. 305-309.

[59]The Times (London), June 10, 1960, p. 10. The "walk-out" is not noted in the official proceedings of the Conference.

the Credentials Committee and occasional remarks from the floor in General Conference. Members normally reserve their activity to meaningful action on the agenda items and general purposes of the organization.

A final political development preceding the Regional Conference centered in the Congo. The Belgium Government had extended an invitation to hold the Regional Conference at the Executive College of the Congo in Leopoldville from 5 to 17 December 1960.[60] Because the costs of the conferences were customarily split on a fifty-fifty basis, it generally was the European Powers who hosted these local conferences and meetings. This had been the case with the African Advisory Committee meeting in Luanda, which was hosted by Portugal. As a result, the conferences tended to be overshadowed by the presence and largesse of a Colonial Power.

The 1960 collapse of order in the Congo as a result of the unexpected mutiny of the Force Publique, the consequent departure of skilled Belgians and the lack of a sizable corps of indigenous leaders made it imperative that the African Regional Conference be moved from that area.[61] The Nigerian Government invited the Conference to meet, in Lagos, an invitation which was promptly accepted. This move to a

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[60] International Labour Office, Minutes of the Governing Body, 146th Session, Geneva, 24 June 1960, p. 26.

[61] Vernon McKay, Africa in World Politics (New York: Harper and Row, 1963), p. 343. In none of the official public documents of the ILO is the decision to move the Conference discussed or voted upon. However, it can be presumed that the decision was the work of the Director-General, acting as the agent of the Governing Body and subject to their revieving action.

newly independent African state greatly enhanced the prestige of the Conference. The presidency of the Conference, according to long standing tradition, went to a Government delegate from the host country, and the most populous and most economically viable of the newly independent nations, Nigeria, gained a leading parliamentary role.

Summary

From the history of the preparation for the First Regional Conference of the ILO, it can be seen that the Director-General dominated the proceedings. In effect, it was he who selected the date and place of the Conference and it was he who set its agenda. From the outset he had a definite program in mind for the development of ILO activities in Africa and he was not to be hurried along. However, when the pressure for a Conference developed to such a strength that it could not be ignored, and the independence movements in Africa accelerated their externally imposed schedules, he was quite capable of employing all his discretionary administrative powers to facilitate the holding of such a Conference.

The Governing Body, jealous of its traditional freedom of action and more practical than the General Conference, tended to side with the Director-General. A significant number of the General Conference favored an African Conference from the outset. However, political factors and inept parliamentary skill shifted the balance of power behind a philosophy of gradualism. Yet, as was inevitable, the African Regional Conference did come.

CHAPTER IV

FIRST AFRICAN REGIONAL CONFERENCE

Once the decision to hold the First African Regional Conference had been made, the composition of its membership decided and a meeting date set, there were no reservations by the Director-General in the mobilization of the resources of the International Labour Office in Geneva and the African Field Office in Lagos to ensure adequate and comprehensive preparation.

Background

Regional conferences are empowered to discuss matters on the agenda and pass resolutions within their specifically orientated scope of action. Procedure is governed by the Rules Concerning the Powers, Functions and Procedure of Regional Conferences Convened by the International Labour Organization.[1] Their conclusions and recommendations are in no way binding either upon the Governing Body or the General Conference, although a record of their proceedings is transmitted to both. However, the advisory aspects of their actions weigh heavily in the deliberations of the Governing Body and the suggestions for action originated by the Director-General. It is here that the open-mindedness and flexibility of the ILO is best demonstrated.

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[1]Approved by the International Labour Conference at its Thirty-first Session (San Francisco, June-July 1948) and amended by the International Labour Conference in 1951, 1953, 1954 and 1956.

Regional conferences traditionally receive and discuss the Director-General's Report to the Conference. This Report is a combination research project containing background material respecting the agenda, an administrative exhortation for proposed action and an apologia for the Labor Office and Governing Body. In the Director-General's view:

> My Report as Director-General is intended to provide some guide lines so as to enable members of the Conference, speaking with direct and authoritative knowledge, to comment upon the main social issues that confront the region at the present time, to direct the attention of the Conference to its needs, and to suggest means by which the ILO can help to meet them.[2]

His Report is the first item on the agenda with the ensuing debate allowing time for committee formation and action by the Credentials Committee. Discussion of the Report gives the Conference delegate a forum from which to dispose of the social amenities, register complaints and plug pet resolutions which possibly may never emerge from the Resolutions Committee.

The most important aspect of the Director-General's Report is that it sets the tone for the Conference which in this case was apolitical and technical. It gives him the advantage of presenting a carefully prepared, attractively printed and widely circulated set of proposals before the Conference for action. It would take an extremely well prepared, articulate and knowledgeable delegation to influence significantly the impetus and direction thus given by the Director-General.

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[2]International Labour Organization, Report of the Director-General to the First African Regional Conference, 1960 (Geneva: International Labour Office, 1960), p. 2.

A request in 1955 by the Committee of Experts on Social Policy in Non-Metropolitan Countries for a general survey of labor and social policy in Africa, had resulted in the publication of the African Labour Survey, the Labour Survey of North Africa, a population study of Africa and numerous specialized reports. The technical aspects of the Director-General's report were the culmination of these four years' direct effort on the part of the Labor Office. It concentrated on such areas as the stabilization of labor, rural development, patterns of employment and workers education. These basic problems identified by the Director-General were in general harmony with similar studies by the UN Department of Economic and Social Affairs, the International Bank for Reconstruction and Development, and such scholars as H. T. R. Kimble, Melvin Herskovits and Lord Hailey.

The result of this sound and careful preparation was a practical assurance that the Labor Office was in firm control of the technical aspects of the Conference. There were, in fact, few delegates who took issue with the facts as presented. The only potential disruption would be the unleashing of political considerations. Two rival views of pan-Africanism were represented--the UAR and Ghana. Nigeria, the most populous African state, was the bridge between the Moslem and Negro African cultures in its Northern Region. The Congo was a mass of confusion with the Lagos newspapers carrying banner headlines concerning the capture of Patrice Lumumba by Joseph Mobutu during the period of the Conference.[3] The strife in Algeria was equally active and well publicized during the same period.

[3]Daily Express (Lagos), December 2-17, 1960; West African Pilot (Lagos), December 2-17, 1960.

The ILO had received eight newly independent nations in the fall of 1960, seven of whom were African.[4] These seven nations were appearing at an international conference for the first time, on their own continent, and under the eyes of their own people. There was a reasonable fear in the Governing Body lest the Conference resolutions degenerate into polemic political condemnations.

The Conference

Delegates from thirty-six African and European Nations heard the opening speech of the Nigerian Prime Minister, a speech that gave little promise of apolitical activity despite the Director-General's frank request to refrain from indulgence in political matters. Alhaji Sir Abubakar Tafawa Balewa not only referred to the Congo crisis, but underscored the difficulty of separating labor and political questions:

> I have noted with a good deal of sympathy the request in the latest report of the Director-General that this Conference should avoid political issues, but I must confess that my sympathy is divided equally between the Director-General and those delegates who believe in all honesty that labor problems are so closely related to politics that it is unrealistic to try to separate them.[5]

In conformity with international custom, the Government delegate from the host country, Joseph M. Johnson, M.P., Federal Minister

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[4] Central African Republic, Republic of Congo (Brazzaville), Republic of Congo (Leopoldville), Republic of Cyprus, Gabon Republic, Malagasy Republic, Federation of Nigeria and the Republic of Senegal.

[5] Federation of Nigeria, Minister of Labour, Report on the First African Regional Conference of the International Labour Organization Held in Lagos from 5th-17th December 1960 (Lagos: Federal Printing Division, 1961), pp. 1-2.

of Labour of Nigeria, was elected Conference President. Vice Presidents are selected to reflect the tripartite structure of the Conference on the basis of one from each group. Senegal gained the Government Vice Presidency; Tunisia, the Employers'; and Congo (Brazzaville), the Workers' Vice Presidencies, respectively.

There were seventy-four speakers taking part in the discussion of the Director-General's Report. This discussion was confined to the report in accordance with the Standing Orders for Regional Conferences. The number of speakers and restrictions on debate kept the discussion moving. Eighty percent of the speakers were able to restrain themselves from making observations of a political nature. The remaining delegates covered such questions as colonialism, imperialism, pan-Africanism, apartheid, the Congo, forced labor and the presence of European delegates. They conformed to no pattern of geographical or ideological identification. They were apparently disorganized and some were obviously speaking for the record.

In following the parliamentary procedure and reviewing the Lagos newspapers, it appears that political forces were constantly at work behind the scenes. Three incidents occurred which reached the conference floor--one in the form of a point of order, and two as disclaimer statements. They will be discussed in order of relative importance.

In one case, the facilities of the Conference were utilized to distribute a purported copy of a British secret Cabinet paper under the title "The Great Conspiracy Against Africa." The incident hit the

front page of the West African Pilot with substantial headlines and a relatively uninformative commentary.[6] It formed the basis of a feature story in the Daily Express on Nigeria's lady delegate. This article depreciated the importance of the so-called secret papers and implied that they were rather unsensational if not downright unreliable.[7] The United Kingdom Government delegate felt compelled to make a public disclaimer of its authenticity as a document and true representation of British policy in Africa. The statement was held to the end of the day's sitting which was immediately adjourned with an admonition from the Conference presiding officer, Emile Badiane (Senegal), against the use of the rostrum for discussion of political problems.[8]

The second incident revolved around the circulation of a paper entitled, "The Role of Ghana in Nigerian Affairs," by the president of the Trades Union Congress of Nigeria, H. P. Adebola. It consisted of a direct attack on the Ghanaian delegation and the President of the Republic of Ghana, Osagyefo Dr. Kwame Nkrumah. The circulation of this paper was the subject of an article in the Daily Express.[9] The Ghanaian Government advisor made a statement objecting to its circulation and denying the validity of the allegations. Badiane, who was again

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[6] West African Pilot (Lagos), December 9, 1960, p. 1.

[7] Daily Express (Lagos), December 15, 1960.

[8] International Labour Organization, Record of Proceedings, First African Regional Conference, Lagos, December 1960 (Geneva: International Labour Office, 1961), p. 83.

[9] Daily Express (Lagos), December 9, 1960.

presiding, took note of the statement with a declaration that it was not a part of the Conference's business. He promptly adjourned the meeting.[10]

The following day, the last sitting of the Conference, Johnson was presiding. He permitted the Nigerian Government to make a statement disassociating the Government from the attack on Ghana. The statement was timed so as to fit in between the ceremonial closing speeches which precluded debate. Mr. Johnson then gave his closing address and terminated the Conference.

The third incident centered on the objection to the Report of the Credentials Committee by Seydou Diallo (Workers' delegate, Guinea), supported by the UAR, in relation to the presence of Metropolitan Countries. The Daily Express presented it as a "major crisis" which was a gross overstatement of its importance.[11] The objection was overruled on the basis that no objection had been filed with the Committee in accordance with Article 10 of the Rules for Regional Conferences. At this time, Abdesselem Achour (Employers' delegate, Tunisia), adjourned the Sitting for thirty minutes.

When the Sitting reconvened, Badiane held the chair and Diallo gained the floor on a point of order in an attempt to read a statement setting forth the Workers' objections to the presence of the Metropol-

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[10] International Labour Organization, Record of Proceedings, First African Regional Conference, p. 230.

[11] Daily Express (Lagos), December 16, 1960, p. 1.

item Powers.[12] In the phrasing of the parliamentary motion, Diallo succeeded in accusing "certain delegates" of representing Governments guilty of "massacres" in Algeria, in disclaiming association with those delegates, and in calling for a policy "making African conferences really African." Bellame observed that the "point of order" was not really a point of order and adroitly returned to the agenda of the Conference.[13]

Most of the work of the Conference was being carried out in committee. Because of the tight agenda and excellent preparation by the Labor Office, there was no reason or desire to bring any disputed matter before the Conference as a whole. In the Committee on Relations between Employers and Workers, the UAR pressed for a declaration against any form of discrimination in the light of racial discrimination practices still existing in Africa.[14] It was from the tenor of the Committee discussion directed primarily at the Republic of South Africa. The resulting resolutions indirectly touched upon various forms of discrimination but not with the force or focus desired by the UAR.[15] These

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[12]"Memorandum of the United Arab Republic Delegation Concerning the Capacity in Which the Metropolitan Countries Were Presented in the First African Regional Conference," Minutes of the Governing Body, 143th Session, Geneva, 7-10 March 1961 (International Labour Office), p. 93.

[13]International Labour Organization, Record of Proceedings, First African Regional Conference, p. 224.

[14]Ibid., p. 273.

[15]Ibid., pp. 291-293. In 1961, South Africa against whom the discrimination resolution was directed, was called upon to withdraw from the ILO by a resolution of the General Conference. It not only did not comply, but appeared at the 1962 Session with a full and active

resolutions, as did all the other resolutions of the Conference, passed without debate by the General Regional Conference.

Reception of the Conference

The report of the First African Regional Conference was discussed by the Governing Body at its 140th Session. The UAR had sent a communication to the Director-General in protest against the representation at the Conference and the way in which the Guinean delegate's motion had been treated. Indirectly, the UAR was accusing the Director-General, as Secretary of the Regional Conference, of blocking the Guinean motion by not transmitting it to the proper committee.

The Director-General maintained that the "communication" of the Workers' group was not a motion under the Rules for Regional Conferences. Hence, he treated the "communication" as such, acknowledged it in his reply to the Regional Conference's discussion of his Report, and would raise it with the Governing Body at the appropriate time.[16]

The Nigerian delegate denied any anti-European bias in the Workers' opposition to the presence of Metropolitan Countries. Such an objection had been raised out of "anxiety that political subjugation of one country by another should not, as a social institution, receive the endorsement of the Governing Body of the I.L.O. even by implication."[17]

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delegation. (International Labour Conference, Record of Proceedings, Forty-fifth Session, Geneva, 1961, pp. 291-293.

[16] International Labour Office, Minutes of the Governing Body, 140th Session, Geneva, 7-10 March 1961, p. 93.

[17] Ibid., p. 20 (Mr. Borha).

Naid Salmam of the UAR maintained that his government brought up the matter not for discussion but for information. 'The representatives of the Metropolitan Powers," he assured, "were welcome in Africa as visitors and providers of technical assistance, but they could no longer have a place as self-imposed guests."[18] The Governing Body supported the Director-General by taking note of the UAR communication but by taking no action pending a report by the Director-General.[19]

The USSR delegate objected that the Labor Office had deleted from the Provisional Record references to the need of ending colonialism in the African Continent when preparing the Official Record. This charge was not well founded. Publications were in print and circulation prior to the meeting of the Governing Body which covered the Regional Conference.[20] Some articles were of necessity pertinent abstracts of the proceedings. A cross check between the I.L.O. Record and that published by the Nigerian Ministry of Labor show that these articles and records were an important and accurate record of the Conference.

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[18] Ibid., p. 21.

[19] Ibid., p. 24.

[20] International Labour Office, "Appendix VI Sixth Item on the Agenda," Minutes of the Governing Body, 140th Session; "The First African Regional Conference of the International Labour Organization, Lagos, December 1960," International Labour Review, LXXXIII, No. 3 (March 1961), pp. 211-230; "I.L.O. First African Regional Conference," Industry and Labour, XXV, No. 4 (February 15, 1961), pp. 108-118; Official Bulletin, XLIII (1960), No. 4, pp. 339-347; Record of Proceedings First African Regional Conference.

Yllanes Ramos (Mexico) countered that, by all the reports he had heard, politics had been kept out of the conference. However, he had "also heard that representatives of countries outside Africa had attempted to stir up political discussion. Having listened to Mr. Goroshkin, he could believe this."[21]

At this 148th Session, the Governing Body made the following decisions in regard to action to be taken on the resolutions and conclusions adopted by the Conference:

1. It authorized the Director-General to transmit the texts of the resolutions and conclusions adopted by the Conference:
   (a) to the governments concerned and through them, to the employers' and workers' organizations;
   (b) to the appropriate international organizations.

2. It requested the Director-General, in making future proposals for the program of work of the Office and in particular, in developing its operational and educational activities, to take account of the wishes expressed in the resolutions and conclusions adopted by the Conference.

3. It endorsed the solemn appeal of the Conference of all African State Members of the I.L.O. to examine Conventions periodically with a view to ensuring progressively the application and ratification of as many of the Conventions as possible and authorized the Director-General to draw the particular attention of the Governments concerned to the Conference's view that ratification and strict application of the Conventions concerning the protection of fundamental human rights should be regarded

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[21] International Labour Office, Minutes of the Governing Body, 148th Session, pp. 89-93.

by all African States as a question of honor and prestige.

4. It authorized the Director-General to take account as far as possible in the program of work of the Office of the wishes expressed by the Conference in respect to workers' education, the education of management of small and medium sized undertakings and the utilization of languages other than the official languages of the I.L.O. in the work of the I.L.O. in Africa.

5. It noted that proposals in regard to the suggestions of the Conference concerning the establishment of a new field office in Africa and the development of a wider network of branch offices and correspondents in Africa were included in the budget proposals for 1962.

6. It noted that the Director-General proposed to pursue a policy of seeking to recruit a larger number of African officials.

7. It noted that the Director-General was examining the question of the utility and means of special regional consideration being given to international labor standards and would report later on the subject.[22]

Evaluation

By its positive support of the proposals advanced by the African Regional Conference, the Governing Body expressed its satisfaction and approbation of the meeting.[23] African topics had not been a matter of indifference to the General Conference in respect to

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[22] International Labour Office, Official Bulletin, XLIII (1960) No. 4, p. 350.

[23] International Labour Office, Minutes of the Governing Body, 148th Session, pp. 23-24.

debates since 1958. As a result, the lack of debate and discussion of the Regional Conference in the Forty-fifth Session of the General Conference can be interpreted as a vote of confidence as to the action taken by the Governing Body.

The Director-General was interrogated by personal correspondence in October of 1963 as to whether or not he was satisfied with the avoidance of political questions during the African Regional Conference.[24] The laconic reply of the Public Information Division of "presumably yes" is reinforced by the fact that most of the Governing Body action was a confirmation of suggestions advanced by the Director-General.[25]

The work of the Conference was a sober and critical evaluation of some of the basic problems facing the continent of Africa. Their resolutions and suggestions were moderate in scope and tone; all were capable of implementation. The procedure of the Conference was orderly, expeditious, and dignified. It appeared evident to the African States that the international community had them under observation. Messages from the President of the United States and the Russian Government underscored the validity of this fact. The press in New York and London had followed the progress of the Conference from its inception to its

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[24]International Labour Office, Information Service, letter from Michael Clark to Richard A. Stratton, Esq., ref. no. PU 10, dated 21 X. 1963, Geneva.

[25]International Labour Office, Minutes of the Governing Body, 143th Session, p. 92.

conclusion. Political influences had been at work from the first formal presentation of the basic idea of such a conference hoping to utilize it for political ends. Yet the Conference succeeded in meeting and carrying out its appointed task. The African Continent had been served and the ILO vindicated as an effective international organization.

CHAPTER V

CONCLUSIONS

The development of the work of the ILO from a narrow concept of research and standard setting to a wider concept of education and social action in the attainment of social justice is in itself an evidence of the adaptability of the organization.[1] Such a development gave the ILO a new purpose and prestige among the newly developing nations to whom the latter form of action was most meaningful. It also reinforced the idea that the Labor Organization was indeed International and not just European.

The history of the First African Regional Conference and of itself render no final proof of the lasting and viable quality of the ILO. But it does give an indication as to what the true measure of the organization might be. This picture rendered by the Conference is a clear and positive portrayal of a flexible, practical and vital International organ.

Its unique tripartite structure provides at once a workable and yet tempering machinery. Such strange alliances as that between the Government of the United Arab Republic and the Guinean Workers' delegate in the questions of Conference representation is an anomaly. The advocacy of the African Regional Conference by the Workers and

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[1]International Labour Office, "The International Labour Organization Since the War," International Labour Review, LXVII, No. 2 (February 1953), pp. 109-111.

Government delegates as early as 1950 is nothing short of amazing considering the difficulty and unrest the Metropolitan Powers were experiencing throughout Africa. The alliance of the Government with the Workers' delegates to preserve the traditional independence of the Governing Body illustrates the flexibility of each group to espouse causes independently and trade support. The Employers' group demonstrates throughout the period that it is the most conservative and monolithic of the groups but still not automatically so on all issues.

In the development of the initiative and independence of the Director-General can be seen an instrument capable of moderating or accelerating, guiding or directing, but never capable of controlling or frustrating the organization which he is meant to serve. Despite years of preparation for direct activity in Africa, the Director-General had to utilise the full range of his discretionary power to guide the will of the Conference.

That the Director-General was well advised in his course of action, measured by the ILO's own standard of how well it assists the movement towards social justice, becomes self-evident from the success of his African policy from 1950 to 1960. Since gradualism of itself is not necessarily a virtue, the question as to whether or not the ILO could have been more successful by such a direct entry into Africa as was called for in 1950 remains unanswered.

An examination of the political forces directly and indirectly at work during the preparation and execution of the First African Regional Conference shows that much of the restraint displayed originated

in the desire of the newly independent nations to demonstrate to the international community their political maturity. Would these same States, as territories still struggling for independence, have displayed similar restraint as observers to a conference in 1950?

World politics does continually influence and intrude upon the work of the ILO. Yet the ILO group structure consisting of Government and non-government delegates, has a way of making it possible to frustrate and ignore these activities when it so suits the organization. Thus Tunisia's attempt to influence the choice of delegates to the Committee of Experts was ignored by indefinitely postponing the meeting and effectively cutting North Africa out of the preparation for the First African Regional Conference. The UAR effort to disrupt the Conference by objecting to the presence of Metropolitan Powers was frustrated by adroit parliamentary procedure and Governing Body action to table the issue. When the new nations of the Conference seek to deny the principle of universal representation by calling for the withdrawal of an "objectionable" member, the Conference continues with that "objectionable" member still in attendance as if nothing had transpired.

The group structure of representation, the independent Governing Body, the Director-General with wide discretionary power, all give the ILO a structural strength associated with any good bridge--the rigidity to carry the required load and the flexibility to bend with the changing winds. So it was that the ILO was able to resist the premature demand from Asia to leap into Africa uninvited and unprepared. Yet, the same organization was able to adjust to the permanent

substantive trend of accelerated African National independence. This adjustment was so successful that David Morse, Director-General at the close of the decade under discussion, was able to describe the relationship of the ILO to the developing nations as being that of the "midwife of new societies."[2]

In assessing the future for the ILO, one aspect in the success of the First African Regional Conference is found in its regional aspect. Here is a case where a regional conference is held for purposes other than security, under international auspices, in an area literally seething with political unrest. In spite of this, by diligent preparation, delicate control and defined purposes, the conference attains its end with a minimum of difficulties. If there is any portent to be found in the record of the First African Regional Conference, it may be in the greater development of regional activity for the exercise of more efficient responsibility by oversized and unwieldy international organizations.

The planning and convocation of the First African Regional Conference illustrates the validity of the thesis that, through its unique structure and organizational development, the ILO, while resisting adverse short-term development, is able to adjust to permanent trends in international politics.

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[2]International Labour Conference, Record of Proceedings, Forty-third Session, Geneva, 1959, p. 565.

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